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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,300	12/16/2003	Michael Muller	LOT920030036US1	7679
45544 7590 05/01/2009 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER AUGUSTINE, NICHOLAS				
ART UNIT 2179		PAPER NUMBER		
NOTIFICATION DATE 05/01/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/737,300

Applicant(s)

MULLER ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 13-15, 21-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 13-15, 21-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 2/12/2009. This action is made **Final**.
- B. Claims 1-3, 5-10, 13-15, 21-23 and 25-28 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 5-10, 13-15, 21-23 and 25-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Roberge et al. (US 6,381,611 B1), herein referred to as "Roberge" in view of Moehrle, Armin E. (US 7,191,411), herein referred to as "Moehrle".

As for independent claims 1,9 and 21, Roberge teaches a method and corresponding system and program product for providing a compact interface for display of an object hierarchy having a plurality of levels (figure 1), comprising:

displaying a first level root node of the object hierarchy and navigation indicia indication, that the first level root node includes at least one second level child node in a first window (figure 7; wherein depicted is the parent node ("Test" with an arrow indicating that more options are available; col.6, lines 10-16); upon selection (figure 8) of the first level root node in the first window, displaying a pop-up window that includes a listing of all second level child nodes of the first level root node immediately adjacent and to a right side of the first level root node in the first window wherein the pop-up window is not positioned directly below any portion of the first level root node (figure 15; col.8, lines 18-38); and selecting one of the second level child nodes from the listing of all second level child nodes included in the pop-up window (col.6, lines 31-35); wherein, upon selection of one of the second level child nodes, the pop-up window that includes the listing of all second level child nodes of the first level root node disappears from the first window, and is replaced by the selected second level child node, which is displayed immediately adjacent and to the right side of the first level root node in the first window, wherein the first level root node, the navigation indicia, and the selected second level child node are displayed in a linear vertical arrangement with an offset to the right going horizontal in the first window, and wherein a depth of a navigation path through the object hierarchy increases from left to right in the first window (col.6, lines 17-39).

Roberge does not specifically in detail mention that consecutive menu displays are displayed directly to the right to present a horizontal navigation that goes from left to right through a hierarchical tree model or more specifically the selected second level child node are displayed in a single horizontal line to preserve space in at least a vertical direction in the first window, wherein only a single node is displayed for each level of the object hierarchy, however in the same field of endeavor Moehrle teaches hierarchical navigation in a linear horizontal arrangement wherein consecutive menu displays are displayed directly to the right to present a horizontal navigation that goes from left to right through a hierarchical tree model; wherein the pop-up window is not positioned directly below any portion of the first level root node and the selected second level child node are displayed in a single horizontal line to preserve space in at least a vertical direction in the first window, wherein only a single node is displayed for each level of the object hierarchy (figures 4 and 5a-c; col. 3, line 61 - col.4, line 18). The modification of Moehrle into Roberge yields the end result of being able to change the layout of the presentation of Roberge from a vertical right offset display to a horizontal right display of hierarchical menu elements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Moehrle into Roberge, this is true because Moehrle solves the problem of providing a system that will allow the user to navigate hierarchy (levels) of menu options effectively to show relationship of selections (col.2, lines 22-44).

As for dependent claims 2, 10 and 22, Roberge teaches the method of claim 1, further comprising: upon selection of the displayed second level child node in the first window, displaying a pop-up window that includes a listing of all third level child nodes of the displayed second level child node immediately adjacent and to a right side of the displayed second child node in the first window (figure 9); and

selecting one of the third level child nodes from the listing of all third level child nodes included in the pop-up window (figure 15);

wherein, upon selection of one of the third level child nodes, the pop-up window that includes the listing of all third level child nodes of the displayed second level child node disappears from the first window, and is replaced by the selected third level child node, which is displayed immediately adjacent and to the right side of the displayed second child node in the first window, wherein the first level root node, the second child node, and the selected third level child node are displayed in a linear horizontal arrangement in the first window (figure 15; col.6, lines 24-27).

As for dependent claims 3 and 23, Roberge teaches the method of claim 2, further comprising: selectively repeating the above-described steps for at least one subsequent level in the object hierarchy, wherein each selected node is displayed immediately adjacent and to a right side of a selected node from a previous level of the object hierarchy in the first window, and wherein each

selected node from a previous level in the object hierarchy and each selected node from a subsequent level in the object hierarchy are displayed in a linear horizontal arrangement in the first window (figure 15).

As for dependent claims 5, 13 and 25, Roberge teaches the method of claim 4, further comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window over the selected displayed node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window in the first window that includes a listing of all child nodes of the selected displayed node adjacent and to the right of the selected displayed node (col.6, lines 24-39).

As for dependent claims 6, 14 and 26, Roberge teaches the method of claim 4, further comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window adjacent and to the left of the selected displayed node in the first window that includes a listing of at least one level of ancestor nodes of the selected displayed node, displaying a pop-up window over the selected displayed node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window adjacent

and to the right of the selected displayed node in the first window that includes a listing of all child nodes of the selected displayed node (figures 7-9 and col.6, lines 51-58).

As for dependent claims 7, 15 and 27, Roberge teaches the method of claim 4, further comprising, upon selection of one of the displayed nodes in the first window:

displaying a pop-up window to the left of the selected displayed node in the first window that includes a listing of each level of ancestor nodes of the selected displayed node, displaying a pop-up window over the selected displayed node in the first window that includes a listing of all sibling nodes of the selected displayed node, and displaying a pop-up window to the right of the selected displayed node in the first window that includes a listing of each level of descendant nodes of the selected displayed node (figures 7-9; col.6, lines 10-15, 24-29, 51-58).

As for dependent claims 8 and 28, Roberge teaches the method of claim 1, further comprising: associating at least one of the displayed nodes with functionality; and upon selection of one of the displayed nodes, executing the functionality associated with the selected node (figure 15).

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-10, 13-15, 21-23 and 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner, Art Unit 2179

/Nicholas Augustine/
Examiner
Art Unit 2179
April 16, 2009